

**Social Security Administration
Retirement, Survivors and Disability Insurance**

SOCIAL SECURITY
SUITE 210
400 OXFORD DRIVE
MONROEVILLE, PA 15146-2351
Date: February 28, 2018
BNC#: 18D1405J84570
SAL

JACQUELYN B. N'JAI
7801 LLOYD AVE
APT 116
SWISSVALE, PA 15218-1944

Dear JACQUELYN B. N'JAI

You asked us to take another look at your request to correct your Social Security earnings record. Someone who did not make the first decision reviewed your case, including any new facts you gave us. After this review, we find that our first decision was correct.

We cannot correct the earnings posted on your record for 1987, 1988 and 1989. On the enclosed form, we discuss the reasons for our decision in more detail.

Do You Disagree With The Decision?

If you disagree with the decision, you have the right to request a hearing. At the hearing, a person who has not seen your case before will look at it. That person is an Administrative Law Judge. The judge will review those parts of the decision which you disagree with and consider any new facts you have. The judge may also review those parts which you agree with and may make them unfavorable or less favorable to you.

You have 60 days to ask for a hearing

The 60 days start the day after you receive this letter. We assume you got this letter 5 days after the date on it, unless you show us that you did not get it within the 5-day period.

You must have a good reason if you wait more than 60 days to ask for a hearing.

You have to ask for a hearing in writing. We will ask you to fill out a Form HA-501, called "Request for Hearing". If you want to make a request, please contact one of our offices. We can help you fill out the form.

Please read the enclosed pamphlet, "Your Right to an Administrative Law Judge hearing and Appeals Council Review of Your Social Security Case".

Suspect Social Security Fraud?

See Next Page

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101)

If You Have Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at (888) 527-9339. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. the office that serves your area is located at:

Social Security
Suite 210
400 Oxford Drive
Monroeville, PA 15146

If you have any questions, you should call, write, or visit any Social Security office. If you visit an office, please bring this letter. It will help us answer your questions.

Social Security Administration

Enclosure(s):

Reconsideration Determination (SSA-662)

SOCIAL SECURITY ADMINISTRATION

RECONSIDERATION DETERMINATION

PROGRAM SERVICE CENTER		DISTRICT OFFICE OR BRANCH OFFICE
		C11
NAME OF WAGE EARNER OR SELF-EMPLOYED PERSON		SOCIAL SECURITY CLAIM NO.
Jacquelyn B. N'Jai		[REDACTED]
NAME OF CLAIMANT		TYPE OF CLAIM
Jacquelyn B. N'Jai		correction of earnings record

DETERMINATION:

Jacquelyn B. N'Jai filed for Disability Insurance Benefits on October 15, 2002. The claim was denied at the hearing level in 2003. At that time she did not dispute the correctness of her earnings record with the exception of 1986 which has now been fixed.

In 2017 she requested that her earnings record be corrected for the period of 1985 through 1990. She alleged that earnings from the Board of Education of the City of New York were not properly posted and she furnished payroll records from the City of New York for the entire period of 1985 through 1990.

A review was done and the earnings for 1986 were corrected to post \$16,639.43 since that amount had originally been posted and then deleted. This constituted an error on the face of the record which was able to be corrected. A letter was sent to advise Ms. N'Jai of this.

When the other years in question were not corrected, Ms. N'Jai requested a reconsideration of the decision. The reconsideration request was dated July 6, 2017. This decision is a result of that request.

There is a statute of limitations for correcting an earnings record. That period is three years, three months and fifteen days after the end of the year in question. There are exceptions to the the statute which include conforming to tax records or correcting an error apparent on the face of the record. The other exceptions deal with having filed a written request for revision prior to the end of the time limitation; an application for monthly benefits filed prior to the end of the time limitation and a final decision on that application has not yet been made; an interchange with RRB records; errors in allocation for individuals or periods; no entry or incomplete entry of wages; compensation certified by the RRB; self-employment income included in place of wrongly reported wages and self-employment tax returns filed but no self-employment income is shown on the earnings record.

Jacquelyn N'Jai did not request correction of her earnings record for 1985 through 1990 until 2017, years beyond the end of the statute of limitations and also administrative finality for her claim filed in 2002. With the exception of 1986, which was corrected, there does not appear to be any exception to the statue of limitations. No tax records were furnished for conformation of the earnings record. The earnings for 1985 and 1990 are posted and correctly.

The payroll records submitted do not show the same totals for the yearly amounts as those shown on Social Security records but then deleted for 1987, 1988 or 1989. The records previously posted and then deleted for these years show the City of New York as

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DETERMINATION:

the employer and are \$19,947.77, \$24,533.40 and \$24,142.91, respectively. The payroll records submitted for these same years show \$18,425.92, 23,814.91 and \$25,494.11 for those same years. None match.

Since we would have to go outside of Social Security records in order to correct these postings, correction does not meet the definition of an error on the face of the record. This specifies that we can only correct an earnings record after the expiration of the time limitation when there is a mechanical, clerical or other error apparent on Social Security's record and one where we can determine without going beyond the Social Security Administration's records as they were before the time expired.

As such, though Jacquelyn B. N'Jai apparently did work in 1987, 1988 and 1989, we are unable to correct the Social Security record for these years and the reconsideration request must be denied.

Authority: Section 205(c)(1), (c)(2), (c)(3), (c)(4) and (c)(5) of the Social Security Act, as amended